

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

MARQUIS FURNITURE, INC.,	)	
Plaintiff,	)	
v.	)	Case No. CIV-04-1604-F
	)	
MATHIS BROS. FURNITURE CO., INC., MATHIS	)	
BROS. OKLAHOMA CITY, LLC, MATHIS	)	
EVANS, LLC, MATHIS HOLDING, INC.,	)	
BROYHILL FURNITURE INDUSTRIES, INC.,	)	
and LA-Z-BOY, INC.,	)	
Defendants.	)	
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BROYHILL FURNITURE INDUSTRIES, INC.,	)	
Counter-Claimant,	)	
v.	)	
	)	
MARQUIS FURNITURE, INC.,	)	
Counter-Defendant,	)	
and	)	
	)	
GARY D. BAUGH and MARY BAUGH,	)	
Third-Party Defendants.	)	

**MOTION FOR DISMISSAL WITH PREJUDICE**  
**AS TO DEFENDANTS, MATHIS BROS. FURNITURE CO., INC.,**  
**MATHIS BROS. OKLAHOMA CITY, LLC, MATHIS EVANS, LLC,**  
**AND MATHIS HOLDING, INC., ONLY**

The Plaintiff, Marquis Furniture, Inc., and the Defendants, Mathis Bros. Furniture Co., Inc., Mathis Bros. Oklahoma City, LLC, Mathis Evans, LLC, and Mathis Holding, Inc., respectively, move the Court pursuant to Fed. R. Civ. P. 41(a)(2) for a dismissal with prejudice as to Defendants, Mathis Bros. Furniture Co., Inc., Mathis Bros. Oklahoma City, LLC, Mathis Evans, LLC, and Mathis Holding, Inc., only, with each party to bear its own costs and attorney's fees, as these parties have resolved their differences.

Dated this 20<sup>th</sup> day of August, 2008.

s/ Eric S. Eissenstat

Eric S. Eissenstat, (OBA #10282)  
Steve Stephens (OBA #10479)  
Brooks A. Richardson (OBA #18133)  
Nicholas V. Merkley (OBA #20284)  
FELLERS, SNIDER, BLANKENSHIP,  
BAILEY & TIPPENS

100 North Broadway, Suite 1700  
Oklahoma City, OK 73102-8820  
Telephone: (405) 232-0621  
Facsimile: (405) 232-9659  
E-mails: eeissenstat@fellerssnider.com  
ssteppens@fellerssnider.com  
brichardson@fellerssnider.com  
nmerkley@fellerssnider.com

*Attorneys for Plaintiff Marquis Furniture,  
Inc.*

s/ Drew Neville

*(Signed by Filing Attorney with Permission of  
Attorneys for Mathis Brothers Defendants)*

Drew Neville, OBA #6641  
Ryan S. Wilson, OBA #14340  
Alix Lormand Samara, OBA #20108  
Kurt M. Rupert, OBA #11982  
HARTZOG, CONGER, CASON & NEVILLE  
201 Robert S. Kerr Avenue, Suite 1600  
Oklahoma City, OK 73102  
Telephone: (405) 235-7000  
Facsimile: (405) 996-3403

*Attorneys for Mathis Bros. Furniture Co., Inc.,  
Mathis Bros. Oklahoma City, LLC, Mathis Evans,  
LLC, and Mathis Holding, Inc.*

**CERTIFICATE OF SERVICE**

☒ I hereby certify that on August 20, 2008, I electronically transmitted the attached document to the Clerk of Court using the ECF System for (1) filing and (2) transmittal of a Notice of Electronic Filing to the following ECF registrants: David A. Burrage, Michael Burrage, Sean Burrage, Allen W. Campbell, Timothy A. Carney, James N. Chaney, Emiline Ebrite, John N. Hermes, Drew Neville, Jr., Kurt M. Rupert, Alix L. Samara, Larry J. Saylor, Matthew L. Standard, James M. Sturdivant, Rick L. Warren and Ryan S. Wilson.

☐ I hereby certify that I served the attached document by regular U.S. Mail, postage prepaid, on the following, who are not registered participants of the ECF System: N/A.

s/ Eric S. Eissenstat

*Attorney for Plaintiff Marquis Furniture, Inc.*

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